

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
V.) CRIMINAL NO. SA-14-CR-0790-DAE
)
MARK ANTHONY GRIMES,)
)
Defendant.)

**UNITED STATES OF AMERICA'S
MOTION FOR FINAL JUDGMENT OF FORFEITURE**

Comes now the United States of America, by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, and files its Motion for Final Judgment of Forfeiture, pursuant to the provisions of Fed. R. Crim. P. 32.2(c)(2) and Title 21 U.S.C. §§ 853(n)(1-7), and in support thereof says the following:

I.

On June 2, 2016, Defendant MARK ANTHONY GRIMES entered a plea of guilty pursuant to a written Plea Agreement (Doc. 44) filed on May 31, 2016, to Count One of the Indictment (Doc. 3) returned against him on October 1, 2014, charging him with the violation of Title 18 U.S.C. § 2252A(a)(2).

II.

As part of his guilty plea, said Defendant agreed and stipulated that the factual basis within his written Plea Agreement (Doc. 44) was true and correct and further represented that the below listed Subject Personal Property was used to commit or promote the commission of the violation.

The United States moved the Court to find that the United States has established by a preponderance of the evidence the nexus between the below listed Subject Personal Property and the violation in Count One:

- **Apple iMac desktop computer, Serial Number: C02M43PLF8J4,**

hereinafter referred to as the Subject Personal Property.

On June 30, 2017, a Judgment in a Criminal Case (Doc. 66) was entered by this Court and the Subject Personal Property was included. Accordingly, the United States of America moved this Honorable Court for entry of a Preliminary Order of Forfeiture, which not only forfeited all right, title, and interest of Defendant MARK ANTHONY GRIMES in the Subject Personal Property, but also allowed the United States to serve potential third parties.

III.

On January 25, 2018, this Court entered a Preliminary Order of Forfeiture (Doc. 74) and pursuant to said order, the notice of forfeiture was posted on an official government internet website (www.forfeiture.gov) for at least thirty (30) consecutive days, beginning on February 16, 2018 and ending on March 17, 2018, as required by Fed. R. Crim. P. 32.2(b)(6)(C). The Declaration of Publication (Doc. 76) was filed on June 7, 2018.

IV.

In addition to the internet publication of public notice, the following individual was served with notice of this criminal forfeiture action:

- On February 15, 2018, direct notice of the Preliminary Order of Forfeiture was mailed by certified mail, return receipt requested and through regular mail to Sandra Ramirez at her last known addresses. The notice sent by certified mail was returned to this office as unclaimed, however, notice sent through regular mail was not returned.

V.

The United States of America knows of no other potential persons or entities who may have a third-party interest in the Subject Personal Property. Court records for the United States District Clerk's Office, San Antonio Division, reveal that no petitions were filed in this cause by any third-party interests against the Subject Personal Property pursuant to the provisions of Title 21 U.S.C. §§

853(n)(1-7) and Fed. R. Crim. P. 32.2(b)(2), and the time for filing such petitions has expired.

VI.

On June 23, 2017, Defendant MARK ANTHONY GRIMES was sentenced to be imprisoned for a total term of one hundred eighty five (185) months as to Count One (1) and the Subject Personal Property was included in his Judgment in his Criminal Case (Doc. 66) entered by this Court on June 30, 2017.

VII.

On November 16, 2017, Defendant MARK ANTHONY GRIMES filed a Notice of Appeal under Fifth Circuit Court of Appeals No. 17-51038. On January 4, 2018, the Fifth Circuit Court of Appeals dismissed MARK ANTHONY GRIMES's appeal. Additionally, on January 4, 2018, the Fifth Circuit Court of Appeals Judgment and mandate was issued. Accordingly, this matter is ready for final disposition.

VIII.

Plaintiff, United States of America moves the Court to find that the United States of America has established the requisite nexus between the Subject Personal Property and the above-described violations by virtue of Defendant's Plea Agreement (Doc. 44) and the factual basis contained therein. The United States further moves the Court to find that Defendant MARK ANTHONY GRIMES has an interest in the Subject Personal Property.

Plaintiff, United States of America, further moves the Court to order that any and all right, title, and interest of Defendant MARK ANTHONY GRIMES in the Subject Personal Property be forfeited to the United States of America.

Plaintiff, United States of America, further moves the Court to order that any and all right, title, and interest of Sandra Ramirez in the Subject Personal Property be held in default, and be

forfeited to the United States of America.

Plaintiff, United States of America, further moves the Court to order that any and all right, title, and interest of any and all other potential petitioners in the Subject Personal Property be held in default, and be forfeited to the United States of America.

Plaintiff, United States of America, further moves this Court to order that the Federal Bureau of Investigation and United States Marshals Service, and/or their designated agent, shall dispose of the Subject Personal Property in accordance with law at such time when all appeals have been exhausted.

Plaintiff, United States of America, further moves this Court to order that all terms and provisions contained in this Court's Preliminary Order of Forfeiture (Doc. 74) entered on January 25, 2018, in so much as may be applicable and consistent with this Order, shall remain in full force and effect.

WHEREFORE, ALL PREMISES CONSIDERED, the United States of America moves this Honorable Court for a Final Judgment of Forfeiture against the Subject Personal Property wherein all right, title, and interest in said Subject Personal Property shall enure to the United States of America.

Respectfully submitted,
JOHN F. BASH
United States Attorney

By: /s/
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CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2019, the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System and because the criminal case for Defendant MARK ANTHONY GRIMES, has closed, his attorneys no longer receive ECF notices in the case. The Government did not serve notice of this motion on the Defendant or his attorneys, Kerrisa Chelkowski and Sam Howard Lock, because the Defendant's interests in the Subject Personal Property was forfeited and pursuant to the Preliminary Order of Forfeiture (Doc. 74) his interests became final at sentencing.

/s/ _____
ANTONIO FRANCO, JR.
Assistant United States Attorney
Tel: (210) 384-7040

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**UNITED STATES OF AMERICA,)
Plaintiff,)
V.) CRIMINAL NO. SA-14-CR-0790-DAE
MARK ANTHONY GRIMES,)
Defendant.)**

FINAL JUDGMENT OF FORFEITURE

Came on to be considered the United States of America's Motion for Final Judgment of Forfeiture, pursuant to the provisions of the Fed. R. Crim. P. 32.2(c)(2) and Title 21 U.S.C. §§ 853(n)(1)-(7), and this Court being fully and wholly apprised in all its premises, finds said Motion meritorious. The Court finds that the United States of America has proven by a preponderance of the evidence the nexus between the below-described property and violation of Title 18 U.S.C. § 2252A(a)(2) by virtue of Defendant's Plea Agreement and the factual basis contained therein. The Court further finds that MARK ANTHONY GRIMES has an interest in the Subject Personal Property and does hereby GRANT said Motion. IT IS THEREFORE,

ORDERED that any and all right, title, and interest of Defendant MARK ANTHONY GRIMES in the below listed property, to wit:

- **Apple iMac desktop computer, Serial Number: C02M43PLF8J4,**

hereinafter referred to as the Subject Personal Property; be and hereby are forfeited to the United States of America; and IT IS FURTHER

ORDERED that any and all right, title, and interest of Sandra Ramirez in the Subject Personal Property be, and hereby is, held in default and FORFEITED to the United States of America; and IT IS FURTHER

ORDERED that any and all right, title, and interest of any and all other potential petitioners in the Subject Personal Property be, and hereby is, held in default and FORFEITED to the United States of America; and IT IS FURTHER

ORDERED that the Federal Bureau of Investigation and United States Marshals Service, and/or their designated agent, shall dispose of the Subject Personal Property in accordance with law at such time when all appeals have been exhausted and IT IS FURTHER

ORDERED that all terms and provisions contained in this Court's Preliminary Order of Forfeiture (Doc. 74) entered on January 25, 2018, in so much as may be applicable and consistent with this Order, shall remain in full force and effect.

IT IS SO ORDERED.

SIGNED this _____ day of _____, 2019.

DAVID A. EZRA
Senior United States District Judge